

## **REMARKS**

Claims 1-15 have been presented for examination. By the Office Action dated 2 February 2005, Claims 1-15 have been rejected under 35 U.S.C. §102(e) as being anticipated by Hemphill (US 6,167,448). Further, Claims 9 and 11 have been rejected under 35 USC § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

By this response, Claims 3-7, 11 and 15 remain unchanged and Claims 1, 8-10, 12-14 have been amended. Claim 2 has been cancelled. No new matter has been added. Claims 1, 3-15 are therefore still pending. Given the reasons set forth below, reconsideration is respectfully requested.

### **Rejection under 35 USC §102**

In response to the rejection of Claim 1 in the Office Action, Applicant respectfully but strongly submits that the cited document, Hemphill, does not anticipate Applicant's claimed invention.

Applicant's amended Claim 1 recites an application management system, wherein a management server computer is coupled to at least one managed application via a communication network. The management system further comprises means for encoding and decoding application management data for transmission from the management server computer to the management application. The management data is at least partially encoded and decoded based on an XML format (see original claim 2 and description page 8, lines 24 to 28).

Hemphill discloses an event notification system for a network including a managed device including one or more management agents for detecting management events (col. 1, lines 34 to 38). The managed device further includes an event notification logic that generates an event notification message (col.1, lines 38 to 40) which is written using a markup language, such as XML (col. 1, lines 45 to 47). The event notification message is transmitted to a management server (col. 2, lines 13 to 16).

**Amendments to the Drawings:**

Two replacement sheets of drawing pages 1/2 and 2/2 are attached. These replacement drawing pages include amendments to Figs. 1 and 2. The replaced figures have been enlarged and amended to include descriptive legends to some of the features so that the legends help in the understanding of the figures. In addition, the reference numerals in manuscript have been replaced by printing, and the replacement pages are now identified by the title, inventor and application number.

Attachment: Replacement sheets 1/2 and 2/2

Unlike Hemphill, Claim 1 of the invention teaches the use of XML for the transmission of application management data from the management server computer to the managed application. In this way, commands (e.g. requests) and controlling information can be transmitted from the management server computer to the managed application in an easy and efficient way. In particular, applications can be installed and configured with substantially reduced effort.

Since Hemphill considers a different area than the invention, namely reporting of event related information in the case that an event is detected (event notification), the skilled person gets no hint from Hemphill that for the transmission of application management data to a managed application, for example in course of installing or configuring operations, the use of XML is of advantage. Hemphill only discloses the use of XML for reporting purposes in the context of an event notification system.

In view of the foregoing, it is submitted that the subject matter of amended Claim 1 is clearly distinguished from what is disclosed by Hemphill and thus is allowable under 35 U.S.C. §102 over Hemphill.

Accordingly, Claims 3-7 should also be allowable under 35 U.S.C. §102 over Hemphill since they are dependent on amended Claim 1. Claims 8-15 should analogously be allowable under 35 U.S.C. §102 over Hemphill.

#### **Rejection under 35 USC §112**

In the Office Action, Claims 9 and 11 have been rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response to this, amended Claims 9 are submitted. By deleting the word "second" from Claim 9, the rejection of Claim 9 under 35 USC §112 should have been overcome. The rejection of Claim 11 under 35 USC §112 should have been overcome by the amendment of Claim 10 since there is now an antecedent basis for "the application management data encoded at least partially based on an XML format" in Claim 10.

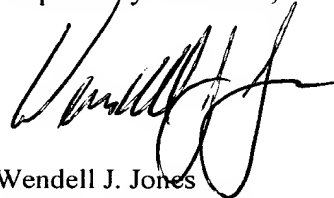
The grammatical mistake in Claim 12 has been corrected. "For forwarding network a management data request" has been replaced by "for forwarding a network management data request".

In view of the discussions set forth herein, it is respectfully submitted that the grounds for the Examiner's rejections have been overcome. Accordingly, it is respectfully submitted that Claims 1, 3-15 should be found to be in condition for allowance.

Date: April 14, 2005

Hewlett-Packard Company  
Intellectual Property Administration  
P.O. Box 272400  
Mail Stop 35  
Fort Collins, CO 80527-2400

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wendell J. Jones", written over a horizontal line.

Wendell J. Jones  
Attorney for Applicant  
Reg. No.: 45,961  
Telephone No.: (650) 857-7453